

## REMARKS

### *Status of the claims*

Claim 1 has been amended; Claims 15, 16, and 20-23 were previously canceled. Claims 2-7, 12-14, and 27-34 are cancelled as directed to a non-elected invention. Claims 17-19, 24-26 are cancelled in this amendment. All canceled subject matter is cancelled without prejudice to the prosecution of the cancelled subject matter in this or a continuing application.

Support for amended claim 1 can be found, inter alia, in the Examples on page 24, line 21 to page 32, line 26 of the application as originally filed. No new matter has been added as a result of these amendments. Claims 1 and 8-11 are currently pending.

Applicants gratefully acknowledge the Office's withdrawal of its previous rejections under 35 USC 102 and 35 USC 103, as well as those withdrawn under 35 USC 112. Applicants respectfully request the Office to withdraw its current objections and rejections in view of Applicants' amendments and the following remarks.

### *Claim objections*

The Office objected to claims 18 and 19 for improper dependency. Applicants have cancelled the claims. The Office also objected to claim 1 and suggested an acceptable wording. Applicants have accordingly amended claim 1. Applicants thank the Examiner for his helpful suggestion. Applicants have therefore obviated the Office's claim objections.

### *Rejections under 35 USC 112*

#### Indefiniteness

The Office rejected claims 1, 8-11, and 18-19 as being indefinite because of the recitation of "an activity of methylmalonyl-CoA mutase." Applicants have amended claim 1 and cancelled claims 18 and 19 to obviate the Office's rejection. Applicants also note that one of skill in the art reading the specification and claims would immediately understand that the activity of methylmalonyl-CoA mutase that is pertinent to Applicants' invention is its enzymatic activity. See, generally "Background of the Invention" (page 1, line 11, to page 3, line 10, and specifically, see, page 3, lines 1-3).

The Office rejected claims 1, 8-11, 18-19, and 24-26 for being vague and indefinite for citing "animal feed promotant." Applicants respectfully traverse. "Animal feed promotant" is a term well-known to those of skill in the art. "The specification need not disclose what is well-known to those skilled in the art and preferably omits that which is well-known to those skilled and already available to the public" (*MPEP*

2164.05(a)). Applicants submit herewith an article by T.E. Weber et al. (Evaluation of conjugated linoleic acid and dietary antibiotics as growth promotants in weanling pigs. *J Anim Sci.* 2001 Oct;79(10):2542-9, also cited on a supplemental Information Disclosure Statement) to support their assertion. Applicants have also cancelled claims 18-19 and 24-26. Applicants have therefore overcome the objection by amendment and argument.

Written Description and Enablement

The Office rejected claims 1, 8-11, 18-19, and 24-26 for failing to comply with 35 USC 112, 1<sup>st</sup> paragraph, for lacking appropriate written description and enablement. Applicants respectfully traverse. However, solely to further prosecution and admitting nothing as to the rightness of the Office's rejection, Applicants have amended claim 1 to subject matter that is exemplified in the Examples (page 24, line 21 to page 32, line 26 of the application as originally filed). Applicants have also cancelled claims 18-19, and 24-26. Thus Applicants have obviated the rejection by amendment.

## REQUEST FOR RECONSIDERATION

Applicants believe the claims are in condition for allowance. Such action is respectfully requested. If a telephone call would expedite allowance of the application, the Examiner is invited to contact the undersigned.

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